

BULLYING PREVENTION

INFORMATION AND RESOURCES ON HOW TO TAKE ACTION AGAINST BULLYING

Bullying is one of the most frequent and most challenging workplace issues. Cases are rarely one-sided or easy to get to the bottom of. There is not a one size fits all solution and it is highly unlikely that there will ever be an OSHA/PESH regulation to combat it or a law against it. Most laws that have been created against bullying have been struck down because they are unconstitutional. It is a subjective topic, meaning that what one person sees as bullying, another may not. This makes it tricky to regulate or legislate outcomes that work for everyone. The good news is that union activists are built to take on this very difficult issue by standing up for what is right and have the backs of our brothers and sisters when times are tough.

Workplace Bullying is defined as **repeated, health-harming mistreatment** of one or more persons (targets) by one or more perpetrators that takes one or more of the following: verbal abuse; threatening (non-physical), humiliating or offensive behaviors or actions; work interference—sabotage—which prevents work from getting done.¹ Bullying is often thought of only as a worker against worker issue, however workplace bullies can be managers, clients, customers, inmates, students, domestic partners, or even strangers.

The most important thing to stress about this definition is that it must be repeated—one instance does not a bully make. People have bad days. To take action, the target must provide proof or documentation of repeated instances. In cases where false accusations of bullying are made and the “bully” faces undue damaging consequences, the person making the claim could be at risk for a potential lawsuit. Without legitimate proof and documentation, a case of bullying will be dismissed by an employer or court. Documentation may be tedious, however it is critical to getting any kind of resolution.

BULLYING VS. VIOLENCE

Most cases of workplace violence begin with bullying and escalate. When humans are put under pressure, emotions bubble up and spill over just like a soda. Unfortunately, the New York State Workplace Violence Act does not include bullying.

Best practices for preventing workplace violence include ways to address and prevent bullying. The term harassment is used when someone is persistently annoying, however it has a more specific legal definition in the workplace called threatening or aggressive behavior. Once the line has been crossed into aggressive behavior, incidents are actionable under the Workplace Violence Prevention Act and New York State Penal Code. Incidents of workplace violence must be reported in writing, however they can also be reported to local law enforcement.

DEATH OR SERIOUS PHYSICAL HARM

Homicide, Attempted Homicide, Shooting, Stabbing, Beating, Poisoning

PHYSICAL HARM

Striking, Kicking, Punching, Raping, Slapping, Battery

AGGRESSIVE BEHAVIOR (HARASSMENT)

Pushing, Shoving, Sexual Advances of a Physical Nature

THREATENING BEHAVIOR (HARASSMENT)

Threatening Physical Harm, Stalking, Calls with no Legitimate Purpose, Sexual Advances of a Verbal Nature

BULLYING

Yelling, Tantrums, Cursing at Someone, Name-Calling, Sabotage, Insults, Intimidation, Back-Stabbing, Belittling, “Icing”, One-Upping, Finger Pointing, Humiliation, Offensive Actions

¹ The Workplace Bullying Institute



FOR MORE INFORMATION PLEASE VISIT: WWW.CSEANY.ORG/OSH

HOW ACTIVISTS CAN HELP

- Speak to your employer about including bullying in your workplace violence prevention program.
- Work with your employer to create a reporting system with follow-through and a support system for targets. Check to see how your employer's Employee Assistance Program handles cases of bullying.
- Ask for managers to receive leadership, communication and conflict resolution training.
- Provide bullying awareness training for all employees.
- Appoint a steward (or two) to handle bullying issues.
- Provide Diversity, Conflict Resolution and Peacemaking training.
- Utilize effective listening and documentation skills.
- Make sure you are familiar with your employer's code of conduct.
- Do not accept zero tolerance policies from your employer. Insist on proper incident investigation.
- Have your workplace assessed for stress. Triggers such as temperature, harsh lighting, noise, impossible or unreasonable deadlines or workloads often play a role in bullying incidents.

For more information and resources visit:

www.cseany.org/osh



Follow the CSEA Canary on:



CSEA has been winning the fight for safe and healthy working conditions for over 100 years, yet there is more to be done. Hazards old and new—from Asbestos to Zika—remain a threat to workers every day. CSEA will not back down from the fight and nothing is more important than saving lives and keeping workers free from injury. Your help is needed now more than ever. The life you save could be **YOUR OWN**.

SAVE A LIFE- NEVER QUIT!

SOLUTIONS FOR TARGETS

AWARENESS

Realize that **YOU** are not the source of the problem.

Recognize that bullying is about control and therefore has nothing to do with your performance.

Identify the strategies that the bully uses.

GETTING PROOF

Document every incident with specifics including day, time, what was said, where it was done and who was present.

Ask any witnesses to document the incident as well.

Talk with others who you think may also be targets of the same bullying behavior.

STRATEGIES

Avoid being alone with the bully.

Do not retaliate.

End the conversation if it starts to escalate.

Reach out to someone you trust.

Get Help

Reach out to your Employee Assistance Program.

Talk with a steward or union officer.

Get advice from a licensed therapist.

If you are being bullied specifically because you belong to a protected class (race, gender, sexual orientation, disability, national origin, military status, etc.) contact the NYS Division of Human Rights

